

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:	:	Chapter 11
	:	
MTE HOLDINGS LLC, <i>et al.</i> ,	:	Bankruptcy Case No. 19-12269 (CTG)
	:	
Debtor.	:	
<hr style="border: 0.5px solid black;"/>		
JAMES M. WILSON,	:	
	:	
Appellant,	:	
	:	
v.	:	C.A. No. 21-1280-LPS
	:	Bankr. BAP No. 21-63
MTE HOLDINGS LLC, <i>et al.</i> ,	:	
	:	
Appellee.	:	
<hr style="border: 0.5px solid black;"/>		

RECOMMENDATION

At Wilmington this **21st** day of **October, 2021**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel, to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

The parties met and conferred in good faith on the prospects of mediation efforts in this Appeal. Given the nature of the relief granted by the Bankruptcy Courts and the

issues on Appeal, they doubt that mediation would be fruitful. As a result, the parties jointly request that this Appeal be removed from mandatory mediation and proceed through to the merits briefing for resolution by this Court. The parties also confirmed that they are not presently involved in mediation or any alternative dispute resolution.

The parties propose the following briefing schedule:

Appellant's Opening Brief	November 17, 2021
Appellees Responsive Brief	December 17, 2021
Appellant's Reply Brief	January 5, 2022

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. Since this Recommendation is consistent with the parties' request, no objections are anticipated pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge Mary Pat Thyng